



OHMVR COMMISSION MEETING San Benito County Board of Supervisors Chambers

December 1, 2012

STAFF REPORT: Law Enforcement Update
STAFF: Kevin Pearce, Supervising Ranger
SUBJECT: AB 1595 and AB 1266 Outreach

Summary

AB 1595, which defines Recreational Off-Highway Vehicles (ROV) and establishes laws restricting their use and operation, is in effect as of January 1, 2013. Subsequent to the passage of AB 1595, AB 1266 passed on September 25, 2012, modifying AB 1595. These new laws have created some confusion for the public and law enforcement agencies. The Off-Highway Motor Vehicle Recreation (OHMVR) Division has been working to educate the public and law enforcement agencies on appropriate implementation of the new ROV laws.

Discussion

Recreational Off-Highway Vehicles are one of the fastest growing portions of the OHV market. Prior to the passage of AB 1595 and AB 1266, there was no definition of an ROV in the California Vehicle Code. Due to reports of accidents involving young people operating or riding in ROVs, interests from the OHV industry have been promoting passage of laws in many states to mandate practices that will minimize injuries.

The changes in law established in these two bills were previously reported to the OHMVR Commission at the September 15, 2012, meeting. In summary, the major points in the new law define an ROV, set age limitations for the operation of ROVs, require the wearing of seat belts and helmets by passengers and operators, and require passengers to be able to reach safety handholds.

OHMVR Division law enforcement staff recently attended the Sand Sports Super Show where they conducted workshops for members of the public and government land managers regarding the new laws. The OHMVR Division also wrote and published a public Information Bulletin for statewide distribution that outlines the new laws and how they apply to ROVs. This bulletin is also posted on the OHMVR Division website.

The Law Enforcement staff has included information regarding enforcement of these new laws in their statewide agency training curriculum. This new material was first taught at a recent law enforcement agency training class conducted on November 7th in

El Centro, CA. Several agencies were in attendance and feedback was very positive on the new ROV material.

Commission Action

For information only

Attachments

OHMVR Division Public Information Bulletin Volume 12, Number 03



OFF-HIGHWAY MOTOR VEHICLE RECREATION DIVISION INFORMATION BULLETIN

Volume 12

September 25, 2012

Number 03

Assembly Bill 1595 & Assembly Bill 1266 Recreational Off-Highway Vehicles

What are they?

Assembly Bill 1595 (Cook) was approved by Governor Edmund G. Brown on July 24, 2012. This law will add a definition for Recreational Off-Highway Vehicle (ROV) to the California Vehicle Code (CVC). This law will also provide rules regulating the operation of ROV's. AB 1595 is a manufacturer association sponsored bill designed to address concerns for the safe operation of ROV's. The law will become effective on January 1st, 2013.

Assembly Bill 1266 (Nielsen and Cook) was approved by Governor Brown on September 25, 2012. This law will amend two specific laws as introduced by AB 1595.

What do the bills do?

AB 1595 Defines an ROV as meeting the following criteria; CVC Section 500:

- a. Designed by the manufacturer for operation primarily off of the highway.
- b. Has a steering wheel for control.
- c. Has non-straddle seating provided by the manufacturer for the operator and all passengers.
- d. (1) Has a maximum speed capability of greater than 30 miles per hour.
(2) A vehicle designed by the manufacturer with a maximum speed capability of 30 miles per hour or less, but is modified so that it has a maximum speed capability of greater than 30 miles per hour is an ROV.
- e. Has an engine displacement equal to or less than 1,000cc (61 ci).

AB 1595 further provides for Operational and Safety Requirements; Division 16.5, CVC Sections:

- a. 38600: Operator of a ROV shall be at least 16 years of age, or be directly supervised in the vehicle by a parent or guardian or adult authorized by the parent or guardian.
- b. 38601: Safety helmet required for operator and passengers of ROV (reference 27802)
- c. 38602: Seat/shoulder belt or safety harness required to be worn when ROV is in motion.
- d. 38603: Operator of ROV shall not allow passenger to occupy a separate seat location not designed and provided by the manufacturer for a passenger.

CVC Section 38603 was amended by AB 1266. CVC Section 38603 will become effective July 1, 2013.

- e. 38604: Operator of ROV shall not allow a passenger unless the passenger is seated upright with back against seatback and can grasp the occupant handhold with the seatbelt/ safety harness properly fastened.

CVC Section 38604 was amended by AB 1266. The requirement of a passenger to have his/her feet flat on the floorboard was removed.

Comments, suggested improvements to the bill and concerns may be sent to: ohvinfo@parks.ca.gov with a subject line of AB 1595. The Off-Highway Motor Vehicle Recreation Division will respond to all inquiries.